



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 21 2007

OFFICE OF  
AIR AND RADIATION

Ms. Kathleen Hartnett White  
Chairman  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Chairman:

The Texas Commission on Environmental Quality has raised several questions concerning the process and timing for Texas to request a voluntary reclassification as allowed under the Clean Air Act (CAA) for areas that do not expect to meet their attainment date for the ozone National Ambient Air Quality Standard. I hope this letter is helpful in addressing those questions. Under the CAA, the Environmental Protection Agency (EPA) is required to grant a voluntary reclassification to any State that requests one. The request may come from the Governor or the Governor's designee.

While there is no legal requirement for the timing to request a voluntary reclassification, we encourage States to make their request as soon as they realize that they will not be able to attain by their attainment date. Therefore, if the State has concluded that one or more areas within the State cannot attain by their current attainment date, I recommend that Texas request a voluntary reclassification as soon as it is feasible. Requesting a voluntary reclassification soon will provide more time for implementing the requirements of the higher classification in a timely fashion and will help ensure that all measures needed to attain are implemented prior to the start of the ozone season preceding the area's new attainment year.

Once EPA receives your request, we will initiate action to grant the reclassification. In that process, we will determine how much additional time is needed for Texas to submit an attainment demonstration and other required elements of the State Implementation Plan (SIP) for the new classification, including any rules necessary to achieve attainment as expeditiously as practicable, but no later than the new attainment date. However, reclassification would not provide a basis for extending the submittal deadlines for SIP elements that were due for the area's initial classification. Enclosed is a list of those items.

To provide EPA a basis for setting a new deadline for submission of the attainment demonstration for an area, I am asking that you provide a recommendation and justification for the new due date. Your recommended SIP submission date should be as soon as practicable but not beyond June 15, 2010. Based on your written recommendation and documentation, EPA will establish an appropriate submission date as part of the reclassification action.

If you need further assistance, please contact Larry Starfield in Region 6 (214) 665-2100 or Bill Harnett in the Office of Air Quality Planning and Standards at (919) 541-4979.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long horizontal flourish extending to the right.

William L. Wehrum  
Acting Assistant Administrator

Enclosure

cc: Mr. David C. Schanbacher, P.E., Chief Engineer  
Texas Commission on Environmental Quality

Ms. Susana M. Hildebrand, P.E.  
Texas Commission on Environmental Quality

Mr. Richard Greene, Regional Administrator  
EPA Region 6

Enclosure

**EPA Expectations for June 15, 2007, Houston SIP Submittal if TCEQ Requests a Voluntary Reclassification**

The minimum requirements to fulfill Texas Commission on Environmental Quality (TCEQ) SIP submittal obligations for Houston-Galveston-Brazoria (HGB) by June 15, 2007, are:

1. A reclassification request from Commissioner White or Governor Perry to be submitted no later than June 15, 2007, along with the required elements from the area's current classification (i.e., moderate), including:
  - a. Emissions Inventory
  - b. Reasonably Available Control Technology (RACT) demonstration (due September 2006)
  - c. Commitment for submission of a periodic emissions inventory<sup>1</sup>
  - d. 15% Reasonable Further Progress (RFP) from 2002 – 2008, with contingency measures and Motor Vehicle Emission Budgets (MVEBs)
  - e. New Source Review (NSR) program rules<sup>2</sup>
  - f. Demonstration of noninterference per CAA 110(l), if making changes to required SIP elements
2. We also recommend you submit the following to ensure an expeditious review
  - a. Summary of all comments and responses received from the proposed SIP
  - b. Ensure all elements from EPA's SIP completeness criteria at 40 CFR part 51 appendix V have been met, with the exception of a modeled attainment demonstration/rules for the requested new classification
3. Rules supporting any control measures that could be implemented while a new attainment demonstration SIP is under development (i.e., VOC restrictions for tank landings, TxLed Marine Fuel rule)
4. Supporting documentation for the reclassification and a recommended and justified timeline for submittal of the attainment demonstration and any other required elements for the new classification.<sup>2</sup>

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<sup>1</sup> Commitment already met by existing state or federal rule.

<sup>2</sup> EPA will review documentation and set a new deadline for submittal of remaining SIP elements.